IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1599 OF 1999

Group Gram Panchayat Kadwe,
Taluka Vehle, District Pune
through Sarpanch Mrs.Nirmala
Krishna Jugade .. Petitioner.

V/s.

1. The Chief Officer,
Zilla Parishad, Pune

2. Collector of Pune
District Pune

3. Tahsildar Taluka Vehle
District Pune.

4. Group Gram Panchayat,
Kuran Kd.

5. Gramsevak Kuram Khurd,
Tal. Velhi, Dist. Pune

6. The State of Maharashtra .. Respondents.

Mrs.Sadhana Mahashabde i/by Mr.V.P. Bhandare for the petitioner.

Mr.N.P. Deshpande, AGP for respondent No.1.

Ms.P.S. Cardozo, AGP for respondent Nos.2,3 and 6.

Mr.Sandip Phatak i/by Mr.A.V. Anturkar for respondent Nos.4 and 5.

CORAM : R.M. LODHA &
NARESH H. PATIL, JJ.

DATED : 8TH AUGUST, 2006.

ORAL JUDGMENT (Per R.M. Lodha, J.)

We heard the counsel for the parties.

2. The affidavit filed by Shilpa Prakash Rajpurkar, Under Secretary to Government, Rural Development and Water Conservation Department, Mantralaya, Mumbai dated August 4, 2006 clarifies the position that Village Panshet is part of Gram Panchayat of Kadave (Group) as per notification dated May 1, 1992 and that the said notification still holds the field. It is admitted in the affidavit that the Divisional Commissioner, Pune Division, bifurcated the Village Panchayat Kuran Budruk, Taluka Velhi, District Pune creating three new Village Panchayats namely, (i) Kuran (Budruk), (ii) Kuran (Khurd) and (iii) Kadave (Group) vide the notification bearing No.VPT-CR-2558(A) and (B) dated May 1, 1992. By the said notification, the Commissioner, Pune Division, created Group Village Panchayat Kadave, comprising of the revenue villages of Kadave and Panshet. The background in which the notification dated May 1, 1992 came to be issued by the Commissioner, Pune Division is highlited thus :

> (a) On August 14, 1989, the original consolidated Gram Panchayat of Kuran Budruk comprising of the revenue villages Wanjalwadi, Ranawadi, Kadave, Panshet, Kuran Khurd resolved that the Group Gram Panchayat of Kuran Budruk should be dissolved and the file for dissolution of the Gram Panchayat shall be prepared and sent to the Block Development Officer, Velhi

Panchayat Samiti;

(b) On August 15, 1989, in a meeting of the Kuran Budruk Gram Panchayat, a resolution was passed for dissolving the Group Gram Panchayat of Kuran Budruk. The said resolution reconstituted the Gram Panchayat of Kuran Budruk as under :

1) Gram Panchayat Kuran Budruk - Village Kuran Budruk

2) Gram Panchayat Kuran Khurd - Village (Wanjalwadi and Ranawadi)

3) Grampanchayat Kadave - village Kadave and Panshet village.

(c) On April 14, 1990, in a meeting of the Gram Panchayat of Kuran Budruk, it was decided that the resolution dated August 15, 1989 dissolving the Gram Panchayat Kuran Khurd, should be sent to the Commissioner, Pune Division;

(d) The abovesaid resolutions for bifurcation of the Kuran Khurd village was sent to the Block Development Officer of the Velhi

Panchayat Samiti;

(e) The Block Development Officer of the Velhi Panchayat Samiti sent the proposal to the Chief Executive Officer of the Zilla Parishad on March 13, 1992, who in turn sent the proposal for approval and sanction to the Commissioner, Pune Division;

(f) It was then the Commissioner, Pune Division issued a notification on May 1, 1992 declaring the bifurcation of village Kuran (Bk.) and creating of group village Panchayat Kadave (Group) including the revenue village Panshet which were initially part of the Gram Panchayat of Kuran Budruk;

3. The affidavit of Shilpa Prakash Rajpurkar, Under Secretary to Government further clarifies that the notification dated February 1, 1995 issued by the Government of Maharashtra was for the purpose of election only and the said notification was not for the purpose of declaring any bifurcation of the village panchayat nor for alteration of limits of any village Panchayat. It was further stated that the mistake having come to the notice of the State Government with regard to village Kadave mentioned in the notification dated February 1, 1995, steps are being taken for

rectification of the said mistake.

4. In view of the affidavit of Shilpa Prakash Rajpurkar, Under Secretary to the Government, the grievance of the petitioner is redressed. As a matter of fact, yesterday when the matter came up before us, we thought of disposing of the writ petition by holding so but on behalf of respondent Nos.1,4 and 5, adjournment was sought and the matter was kept today. Nothing has been shown by the counsel for the respondent Nos.4 and 5 which persuades us not to accept the affidavit of the Under Secretary to the Government of Maharashtra dated August 4, 2006.

5. We, accordingly, hold that the notification dated May 1, 1992 issued by the Divisional Commissioner, Pune Division bifurcating the village Panchayat of Kuran Budruk creating three new Village Panchayats namely (i) Kuran (Budruk), (ii) Kuran (Khurd) and (iii) Kadave (Group) holds the field. We further hold that as per the said notification, the Group Village Panchayat of Kadave comprises of revenue villages Kadave and Panshet. In this view of the matter, the order dated April 28, 1998 issued by the Collector, Pune cannot be sustained and the same is set aside.

6. In so far as notification dated February 1, 1995 is concerned, the State Government has clarified the

position in its affidavit dated August 4, 2006 that the said notification was issued for the purpose of election only and not for the purposes of declaring any bifurcation of any village Panchayat nor for alteration of limits of any village Panchayat. In this view of the matter, no declaration needs to be made by us.

7. The Rule is made absolute in aforesaid terms. No costs.

(R.M. LODHA, J.)

(NARESH H. PATIL, J.)